

Supreme Court to seek review of the denial of his Motion to Recall Mandate by the United States Supreme Court.

5. That if the United States Supreme Court grants the Defendant certiorari then the instant §2255 motion will become moot.

6. That it is in the interest of justice to grant this motion and it will promote judicial economy and conserve judicial resources.

7. That the government will not be prejudiced by the granting of this motion.

WHEREFORE, based upon the facts and matters stated herein, the Defendant prays that this Honorable Court will grant this motion and issue an Order Holding in Abeyance this action under final determination by the United States Supreme Court on his review of the denial of his Motion to Recall Mandate.

Respectfully submitted,

*Charles Stubbs*

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Defendant In Pro se

Register No: 05265-068

U.S.P. - Big Sandy

P.O. Box 2068

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Dated; 11/27/05

12/12/05

The Motion to Hold in Abeyance is denied, but petitioner may withdraw his Motion under 28 USC 2255 without prejudice to refile ~~it~~ after final determination by the US Supreme Court of petitioner's Mot. to Recall Mandate.

*Shirley F. Ambrose*